

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**DAVID PAUL HUGGINS,**

**Plaintiff,**

**v.**

**BRIAN OWENS, Commissioner, et al.,**

**Defendants.**

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**CIVIL ACTION NO. 5:11-CV-117(MTT)**

**ORDER**

This case is before the Court on the Recommendations (Docs. 7 and 8) of United States Magistrate Judge Charles H. Weigle pursuant to his 28 U.S.C. § 1915(e)(2) initial review.

In his first Recommendation (Doc. 7), the Magistrate Judge recommends denying the Plaintiff's Motion for Preliminary Injunction (Doc. 3) because the Plaintiff cannot show a likelihood of success on the merits or that the Plaintiff will suffer irreparable injury absent an injunction. The Plaintiff filed an Objection to the Recommendation (Doc. 7). Pursuant to 28 U.S.C. § 636(b)(1), the Court has thoroughly considered the Plaintiff's Objection and has made a de novo determination of the portions of the Recommendation to which Plaintiff objects. The Court accepts and adopts the findings, conclusions and recommendations of the Magistrate Judge in its Recommendation (Doc. 7). Plaintiff's Motion for Preliminary Injunction (Doc. 3) is **DENIED**.

In his second Recommendation (Doc. 8), the Magistrate Judge recommends allowing the Plaintiff's case to proceed against all Defendants except for "Prisoner Health Care Provider." The case cannot proceed against this defendant because the claims against it are respondeat superior claims, which are not available under § 1983.

The Plaintiff filed an Objection to the Recommendation (Doc. 12). Pursuant to 28 U.S.C. § 636(b)(1), the Court has thoroughly considered the Plaintiff's Objection and has made a de novo determination of the portions of the Recommendation to which Plaintiff objects. The Court accepts and adopts the findings, conclusions and recommendations of the Magistrate Judge in its Recommendation (Doc. 8). Prisoner Health Care Provider is **DISMISSED** from this litigation, but the case will proceed against all remaining Defendants. Therefore, service is to be made on the remaining Defendants.

**SO ORDERED**, this the 19th day of August, 2011.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT

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